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Attorneys for Complainant

**BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANNE HECK LONG
380 Bret Harte Road
Sacramento, CA 95864

Certified Public Accountant Certificate No.
39076

Respondent.

Case No. AC-2004-23

OAH No. N2004070276

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Carol Sigmann (Complainant) is the Executive Officer of the California
Board of Accountancy. She brought this action solely in her official capacity and is represented
in this matter by Bill Lockyer, Attorney General of the State of California, by Janice K. Lachman,
Deputy Attorney General.

2. ANNE HECK LONG (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about December 2, 1983, the California Board of Accountancy
issued Certified Public Accountant Certificate No. 39076 to ANNE HECK LONG.

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1 The Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation No. AC-2004-23 and will expire on April 30, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. AC-2004-23 was filed before the California Board of
5 Accountancy (Board), Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on May 14, 2004. Respondent timely filed her Notice of Defense contesting the
8 Accusation. A copy of Accusation No. AC-2004-23 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. AC-2004-23. Respondent has also carefully read, and understands the effects
13 of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. AC-2004-23.

26 9. Respondent agrees that her Certified Public Accountant Certificate is
27 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
28 forth in the Disciplinary Order below.

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1 1. **Actual Suspension.** Certified Public Accountant Certificate No. 39076,
2 issued to ANNE HECK LONG, is suspended for sixty (60) days. During the period of
3 suspension the Respondent shall engage in no activities for which certification as a Certified
4 Public Accountant or Public Accountant is required as described in Business and Professions
5 Code, Division 3, Chapter 1, Section 5051.

6 2. **Obey All Laws.** Respondent shall obey all federal, California, other
7 states' and local laws, including those rules relating to the practice of public accountancy in
8 California.

9 3. **Submit Written Reports.** Respondent shall submit, within ten (10) days
10 of completion of the quarter, written reports to the Board on a form obtained from the Board.
11 The Respondent shall submit, under penalty of perjury, such other written reports, declarations,
12 and verification of actions as are required. These declarations shall contain statements relative to
13 Respondent's compliance with all the terms and conditions of probation. Respondent shall
14 immediately execute all release of information forms as may be required by the Board or its
15 representatives.

16 4. **Personal Appearances.** Respondent shall, during the period of probation,
17 appear in person at interviews/meetings as directed by the Board or its designated
18 representatives, provided such notification is accomplished in a timely manner.

19 5. **Comply With Probation.** Respondent shall fully comply with the terms
20 and conditions of the probation imposed by the Board and shall cooperate fully with
21 representatives of the Board of Accountancy in its monitoring and investigation of the
22 Respondent's compliance with probation terms and conditions.

23 6. **Practice Investigation.** Respondent shall be subject to, and shall permit,
24 practice investigation of the Respondent's professional practice. Such a practice investigation
25 shall be conducted by representatives of the Board, provided notification of such review is
26 accomplished in a timely manner.

27 7. **Comply With Citations.** Respondent shall comply with all final orders
28 resulting from citations issued by the Board of Accountancy.

1 8. **Tolling of Probation For Out-of-State Residence/Practice.** In the event
2 Respondent should leave California to reside or practice outside this state, Respondent must
3 notify the Board in writing of the dates of departure and return. Periods of non-California
4 residency or practice outside the state shall not apply to reduction of the probationary period, or
5 of any suspension. No obligation imposed herein, including requirements to file written reports,
6 reimburse the Board costs, or make restitution to consumers, shall be suspended or otherwise
7 affected by such periods of out-of-state residency or practice except at the written direction of the
8 Board.

9 9. **Violation of Probation.** If Respondent violates probation in any respect,
10 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation
11 and carry out the disciplinary order that was stayed. If an accusation or a petition to revoke
12 probation is filed against Respondent during probation, the Board shall have continuing
13 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
14 is final.

15 10. **Completion of Probation.** Upon successful completion of probation,
16 Respondent's license will be fully restored.

17 11. **Ethics Course/Examination.** Respondent shall take and pass with a score
18 of 90 percent or better a Board approved ethics examination within the first six (6) months of the
19 effective date of this order.

20 If Respondent fails to pass said examination within the time period provided or
21 within two attempts, Respondent shall so notify the Board and shall cease practice until
22 Respondent takes and successfully passes said exam, has submitted proof of same to the Board,
23 and has been notified by the Board that she may resume practice. Failure to pass the required
24 examination no later than 100 days prior to the termination of probation shall constitute a
25 violation of probation. Notwithstanding any other provision of this probation, failure to take and
26 pass this examination within five years of the effective date of this order constitutes a separate
27 cause for discipline of Respondent's license.

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12. **Cost Reimbursement.** Respondent shall reimburse the Board \$4,263.26 for its investigation and prosecution costs. The payment shall be made within 90 days of the date the Board's decision is final.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Certified Public Accountant Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Accountancy.

DATED: 9-15-04

ANNE HECK LONG
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

DATED: 9-22-67

BILL LOCKYER, Attorney General
of the State of California

JANICE K. LACHMAN
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANNE HECK LONG
380 Bret Harte Road
Sacramento, CA 95864

Certified Public Accountant Certificate No.
39076

Respondent.

Case No. AC-2004-23


OAH No. N2004070276

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Accountancy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 22, 2004.

It is so ORDERED November 22, 2004.



FOR THE CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

Exhibit A
Accusation No. AC-2004-23

BILL LOCKYER, Attorney General
of the State of California
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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANNE HECK LONG

Respondent.

Case No. AC-2004-23

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

TO RESPONDENT:

Enclosed is a copy of the Accusation that has been filed with the California Board of Accountancy of the Department of Consumer Affairs (Board), and which is hereby served on you.

Unless a written request for a hearing signed by you or on your behalf is delivered or mailed to the Board, represented by Deputy Attorney General Janice K. Lachman, within fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the Board may proceed upon the Accusation without a hearing and may take action thereon as provided by law.

The request for hearing may be made by delivering or mailing one of the enclosed forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code, to

**Janice K. Lachman
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550**

1 You may, but need not, be represented by counsel at any or all stages of these
2 proceedings.

3 The enclosed Notice of Defense, if signed and filed with the Board, shall be
4 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
5 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
6 section 11506 of the Government Code within fifteen (15) days after service of the Accusation
7 on you.

8 If you file any Notice of Defense within the time permitted, a hearing will be held
9 on the charges made in the Accusation.

10 The hearing may be postponed for good cause. If you have good cause, you are
11 obliged to notify the Office of Administrative Hearings, 560 J Street, Suite 340/360, Sacramento,
12 California 95814, within ten (10) working days after you discover the good cause. Failure to
13 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
14 postponement.

15 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
16 enclosed.

17 If you desire the names and addresses of witnesses or an opportunity to inspect
18 and copy the items mentioned in section 11507.6 of the Government Code in the possession,
19 custody or control of the Board you may send a Request for Discovery to the above designated
20 Deputy Attorney General.

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

22 It may be possible to avoid the time, expense and uncertainties involved in an
23 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
24 settlement is a binding written agreement between you and the government regarding the matters
25 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
26 California Board of Accountancy but, once approved, it would be incorporated into a final order.

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

1 Board's Disciplinary Guidelines will be provided to you on your written request to the state
2 agency bringing this action.

3 If you are interested in pursuing this alternative to a formal administrative hearing,
4 or if you have any questions, you or your attorney should contact Deputy Attorney General
5 Janice K. Lachman at the earliest opportunity.

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8 **BEFORE THE**
9 **CALIFORNIA BOARD OF ACCOUNTANCY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. AC-2004-23

13 ANNE HECK LONG
380 Bret Harte Road
Sacramento, CA 95864

A C C U S A T I O N

14 Certified Public Accountant Certificate No.
39076

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Carol Sigmann (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California Board of Accountancy, Department of
22 Consumer Affairs.

23 2. On or about December 2, 1983, the California Board of Accountancy
24 issued Certified Public Accountant Certificate Number 39076 to ANNE HECK LONG
25 (Respondent). The Certificate expired and was not valid for the period of May 1, 1992, through
26 July 6, 1992, because the required renewal fee was not paid and a declaration of compliance with
27 continuing education requirements was not submitted. Effective July 7, 1992, the Certificate was
28 renewed through April 30, 1994, following submission of the renewal fee and declaration of

1 compliance with continuing education requirements. The Certificate expired and was not valid
2 for the period of May 1, 1994, through May 17, 1994, due to failure to submit the renewal fee
3 and a declaration of compliance with continuing education requirements. Effective May 18,
4 1994, the Certificate was renewed through April 30, 1996, following submission of the renewal
5 fee and declaration of compliance with continuing education requirements. The Certificate was
6 renewed for the period May 1, 1996, through April 30, 1998. The Certificate was expired and
7 not valid for the period of May 1, 1998, through May 22, 1998, for failure to submit the renewal
8 fee and the declaration of compliance with continuing education requirements. Effective May
9 23, 1998, the Certificate was renewed through April 30, 2000, following submission of the
10 renewal fee and declaration of compliance with continuing education requirements. The
11 Certificate was renewed for the period May 1, 2000, through April 30, 2002. The Certificate has
12 been renewed for the period May 1, 2002, through April 30, 2004, without compliance with the
13 continuing education requirements ("inactive"). The Certificate will expire on April 30, 2004,
14 unless renewed.

15 JURISDICTION

16 3. This Accusation is brought before the California Board of Accountancy
17 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
18 references are to the Business and Professions Code (hereinafter "the Code") unless otherwise
19 indicated.

20 4. Section 5109 of the Business and Professions Code states:

21 "The expiration, cancellation, forfeiture, or suspension of a license by operation of
22 law or by order or decision of the board or a court of law, or the voluntary surrender of a license
23 by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or
24 action or disciplinary proceeding against the licensee, or to render a decision suspending or
25 revoking the license.

26 5. Section 5100 of the Code states:

27 "After notice and hearing the board may revoke, suspend or refuse to renew any
28 permit or certificate granted under Article 4 (commencing with Section 5070) and Article 5

1 (commencing with Section 5080), or may censure the holder of that permit or certificate for
2 unprofessional conduct which includes, but is not limited to, one or any combination of the
3 following causes:

4 "(h) Suspension or revocation of the right to practice before any governmental
5 body or agency....

6 "(l) The imposition of any discipline, penalty, or sanction on a registered public
7 accounting firm or any associated person of such firm, or both, or on any other holder of a
8 permit, certificate, license, or other authority to practice in this state, by the Public Company
9 Accounting Oversight Board or the United States Securities and Exchange Commission, or their
10 designees under the Sarbanes-Oxley Act of 2002 or other federal legislation."

11 FIRST CAUSE FOR DISCIPLINE

12 (Suspension By Governmental Agency)

13 6. Respondent is subject to disciplinary action under section 5100(h) of the
14 Code in that Respondent has been suspended from the right to practice or appear before the
15 United States Securities and Exchange Commission. The circumstances are as follows:

16 A. On October 22, 2003, in a case entitled *In the Matter of Anne H. Long,*
17 *CPA, Administrative Proceeding File No. 3-11306*, the Securities and Exchange Commission
18 ("Commission") issued an Order Instituting Administrative Proceedings Pursuant To Rule 102(e)
19 Of The Commission's Rules Of Practice, Making Findings, And Imposing Remedial Sanctions
20 ("Order").¹ Pursuant to the Order, Respondent was suspended from appearing or practicing
21 before the Commission as an accountant. After two years, Respondent may request that the
22 Commission consider her reinstatement subject to certain conditions. The Order was based
23 upon the following action:

24 _____
25 1. Rule 102(e)(3)(i) provides, in relevant part, that the Commission, "with due regard to
26 the public interest and without preliminary hearing, may, by order,...suspend from appearing or
27 practicing before it any...accountant...who has been by name...permanently enjoined by any
28 court of competent jurisdiction, by reason of his or her misconduct in an action brought by the
Commission, from violating or aiding and abetting the violation of any provision of the Federal
securities laws or of the rules and regulations thereunder."

1 1. On or about October 15, 2003, the Securities and Exchange
2 Commission filed a complaint in the United States District Court against Respondent alleging,
3 *inter alia*, that Respondent, acting as Chief Accounting Officer of VantageMed Corporation from
4 October 2001 until February 2002, had: 1) engaged in acts that resulted in VantageMed filing a
5 materially false financial statement on the Company's Form 10-Q for the quarter ending
6 September 30, 2001; 2) engaged in improper accounting practices that materially underreported
7 VantageMed's operating costs and expenses, net loss and loss per share for the quarter in a
8 departure from generally accepted accounting principles ("GAAP"), and; 3) failed to disclose
9 material information regarding VantageMed's books and records to VantageMed's independent
10 auditors. On October 17, 2003, the court entered an order permanently enjoining Respondent,
11 by consent, from future violations of Section 13(b)(5) of the Exchange Act and rules 13b2-1 and
12 13b2-2 thereunder, and from aiding and abetting violations of Sections 13(a) and 13(b)(2)(A) of
13 the Exchange Act and Rules 12b-20 and 13a-13 thereunder. Additionally, Respondent was
14 ordered to pay a \$35,000 civil penalty.

15 SECOND CAUSE FOR DISCIPLINE

16 (Discipline by the U.S. Securities and Exchange Commission)

17 7. Respondent is subject to disciplinary action under section 5100(l) of the
18 Code in that Respondent has been disciplined by the United States Securities and Exchange
19 Commission, as more fully set forth in paragraph 6(A) and its subsection.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the California Board of Accountancy issue a decision:

- 4 1. Revoking, suspending or otherwise imposing discipline upon Certified
5 Public Accountant Certificate Number 39076, issued to ANNE HECK LONG;
6 2. Taking such other and further action as may be required.

7 DATED: May 11, 2004

8 
9 CAROL SIGMANN
10 Executive Officer
11 California Board of Accountancy
12 Department of Consumer Affairs
13 State of California
14 Complainant
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 ANNE HECK LONG

13 Respondent.

Case No. AC-2004-23

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

14
15 **TO RESPONDENT:**

16 Under section 11507.6 of the Government Code of the State of California, parties
17 to an administrative hearing, including the Complainant, are entitled to certain information
18 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
19 Government Code concerning such rights is included among the papers served.

20
21 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU**
22 **ARE HEREBY REQUESTED TO:**

- 23 1. Provide the names and addresses of witnesses to the extent known to the
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
25 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
26 the following in the possession or custody or under control of the Respondent:
27 a. A statement of a person, other than the Respondent, named in the initial
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are the
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

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21 For the purpose of this Request for Discovery, "statements" include written
22 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
23 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
24 and written reports or summaries of these oral statements.


25 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
26 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
27 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
28 work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: May 14, 2004

BILL LOCKYER, Attorney General
of the State of California


JANICE K. LACHMAN
Deputy Attorney General

Attorneys for Complainant